

REMARKS

Claims 12-24 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration. Applicants note with appreciation the indication that claim 24 includes allowable subject matter.

The Examiner objected to the specification for certain informalities. In view of the amendments made thereto, withdrawal of the objection is requested.

As for the change to the Title suggested by the Examiner, Applicants have adopted this suggestion and thus request that this objection be withdrawn also.

Claim 24 stands rejected under 35 U.S.C. § 112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In view of the amendment made to claim 24, Applicants submit that this rejection has been obviated.

Claims 12-23 stand rejected under 35 U.S.C. § 103(a) as being anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over United States Patent No. 5,672,811 to Kato ("Kato"). Applicants have amended claim 12 by including the portion of claim 23 related to the measuring gas compartment being coupled to a gas access hole. In the current Office Action, the Examiner relies on the prior Office Actions for an explanation of his rejection of the dependent claims. In the Office Action of February 18, 2003, the Examiner relied on the diffusion controlling passage 12 in the embodiment of Figures 1 and 2 to meet the gas access hole limitation. Now that the Examiner has shifted his reliance from the embodiment of Figures 1 and 2 to the embodiments of Figures 17 and 18, which do not include a gas access hole, Applicants respectfully submit that the reliance on the prior Office Action's reasoning no longer is tenable. Specifically, the embodiments in Figures 17 and 18 include a flat space 50 that receives the external measurement gas. Column 22, lines 29-30. Flat space 50 is itself open to the external atmosphere and thus does not require a separate gas access hole to serve as a conduit to the external environment surrounding the device. Therefore, to provide in the embodiments of Figures 17 and 18 the diffusion controlling passage 12 shown in the prior embodiments would be superfluous and could be motivated only by a hindsight desire to meet all of the limitations in the present claim. In view of this discussion, withdrawal of this rejection is respectfully requested.

It is respectfully submitted that the subject matter of the present application is new, non-obvious, and useful. Prompt consideration and allowance of the application are respectfully requested.

Respectfully submitted,

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